IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2065 OF 2006

WITH

CRIMINAL APPLICATION NO.2066 OF 2006

Altaf Shaikh .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Ganesh Gole for applicant

Mrs.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd August 2006.

P.C.

. Applicant in these applications is the same. It appears that the applicant applied for

temporary bail and also applied to the trial court that since investigations are complete and charge sheet is filed, there is no need of detaining him in custody any further and he may be enlarged on bail.

2. It is rather unfortunate that application for release on temporary bail for solemnisation of the marriage of the applicant himself, was not considered sympathetically. He had no opportunity to argue his application for bail on merits. It is pointed out that there are certain other cases pending against the applicant. Mr.Gole states that in two of them he is enlarged on bail.

3. Time and again it is emphasised by the Supreme Court that application for bail should be considered by applying relevant tests and considerations. By a cryptic order present application has been dismissed. The application

before this court principally highlights the need for temporary bail. The reason now does not survive. In such circumstances, liberty is granted to the applicant to apply to the trial court for bail afresh and the trial court to decide the same on its own merits and in accordance with law without being influenced by any observations made in the earlier order so also disposal of these applications. All contentions of both sides are expressly kept open. No opinion is expressed thereon. Needless to state that the trial court shall consider the application for bail in the light of the decisions rendered by the Supreme Court reported in A.I.R. 2004 S.C. 4258 (State of Maharashtra Vs. Sitaram Popat Vetal and Anr.) and A.I.R. 2004 S.C. 4267 (Chaman Lal Vs. State of U.P.)

(S.C.Dharmadhikari, J)